

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MASTR ADJUSTABLE RATE MORTGAGES	:
TRUST 2006-OA2, MASTR ADJUSTABLE	:
RATE MORTGAGES TRUST 2007-1, AND	:
MASTR ADJUSTABLE RATE MORTGAGES	:
TRUST 2007-3,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
UBS REAL ESTATE SECURITIES INC.,	:
	:
Defendant.	:
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12-cv-7322 (PKC)

ECF Case

Electronically Filed

**DECLARATION OF ROBERT A. FUMERTON IN SUPPORT OF UBS REAL  
ESTATE SECURITIES INC.'S MOTIONS *IN LIMINE* NOS. 1-5**

Robert A. Fumerton, under penalty of perjury pursuant to 28 U.S.C. § 1746,  
declares as follows:

1. I am a member of the Bar of this Court and the firm Skadden, Arps, Slate,  
Meagher & Flom LLP, attorneys for defendant UBS Real Estate Securities Inc. ("UBS RESI"). I  
submit this declaration in support of UBS RESI's (i) Motion *In Limine* No. 1; (ii) Motion *In  
Limine* No. 2 to Exclude the Expert Testimony of Ira H. Holt, Jr.; (iii) Motion *In Limine* No. 3 to  
Exclude the Expert Testimony of Nelson R. Lipshutz; (iv) Motion *In Limine* No. 4 to Exclude  
the Expert Testimony of Charles D. Cowan; and (v) Motion *In Limine* No. 5 to Exclude the  
Expert Testimony of Karl N. Snow.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint filed in  
this action on September 28, 2012.

3. Attached hereto as Exhibit B is a true and correct redacted copy<sup>1</sup> of the Third Supplemental Expert Report of Ira H. Holt, Jr. dated August 7, 2015.
4. Attached hereto as Exhibit C is a true and correct copy of the Third Supplemental Expert Report of Nelson R. Lipshutz, dated August 7, 2015.
5. Attached hereto as Exhibit D is a true and correct copy of the Third Supplemental Expert Report of Charles D. Cowan, dated August 7, 2015.
6. Attached hereto as Exhibit E is a true and correct copy of the Third Supplemental Expert Report of Karl N. Snow, dated August 7, 2015
7. Attached hereto as Exhibit F is a true and correct copy of the Supplemental Expert Report of Ira H. Holt, Jr. dated April 25, 2014.
8. Attached hereto as Exhibit G is a true and correct copy of the deposition transcript of Ira H. Holt, Jr., dated April 18, 2014.
9. Attached hereto as Exhibit H is a true and correct copy of the Second Rebuttal Expert Report of Deborah Grissom, dated January 12, 2016.
10. Attached hereto as Exhibit I is a true and correct copy of the Rebuttal Expert Report of William H. Greene, Ph.D., dated January 12, 2016.
11. Attached hereto as Exhibit J is a true and correct copy of the Rebuttal Expert Report of Arnold Barnett, Ph.D., dated January 12, 2016.
12. Attached hereto as Exhibit K is a true and correct copy of the Pooling and Servicing Agreement for the MASTR Adjustable Rate Mortgages Trust 2006-OA2, dated as of October 1, 2006.

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<sup>1</sup> A redacted version is being filed at the request of Plaintiffs, who received permission from the Court to file an unredacted version under seal. (See ECF No. 311.)

13. Attached hereto as Exhibit L is a true and correct copy of the transcript in *MBIA Insurance Company v. Credit Suisse Securities (USA) LLC*, Index No. 603751/2009 (Sup. Ct. N.Y. Cnty), dated May 24, 2012).

14. Attached hereto as Exhibit M is a true and correct copy of the transcript of oral argument in *MASTR Adjustable Rate Mortgages Trust 2006-OA2 v. UBS Real Estate Securities Inc.*, 12-cv-7322 (PKC), dated March 9, 2015.

15. Attached hereto as Exhibit N is a true and correct copy of excerpts from the deposition of Karl N. Snow, dated November 16, 2015.

16. Attached hereto as Exhibit O is a true and correct copy of the Supplemental Report of Dr. Charles D. Cowan dated April 25, 2014.

17. Attached hereto is as Exhibit P is a true and correct copy of excerpts from the transcript of proceedings in *MASTR Adjustable Rate Mortgages Trust 2006-OA2 v. UBS Real Estate Securities Inc.*, 12-cv-7322 (S.D.N.Y.), dated August 21, 2013.

18. Attached hereto as Exhibit Q is a true and correct copy of excerpts from the Interagency Appraisal and Evaluation Guidelines, dated December 2, 2010.

19. Attached hereto as Exhibit R is a true and correct copy of APB Valuation Advisory #5, issued on August 14, 2013.

20. Attached hereto as Exhibit S is a true and correct copy of excerpts from the Uniform Standards of Professional Appraisal Practice, 2014-2015 Edition.

21. Attached hereto as Exhibit T is a true and correct copy of the deposition transcript of Nelson Lipshutz dated December 3, 2015.

22. Attached hereto as Exhibit U is a true and correct copy of excerpts of the deposition transcript of Ira H. Holt dated December 14, 2015.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 21, 2016.

  
Robert A. Fumerton